

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 12, 2005**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Rezoning – R-1, Low Density Single-Family Residential District to R-3, Medium Density, Two-Family Residential District (Conditional).
Conditional Use Permit – Ivy Creek Lane, Valuation Map # 218-11-003**

RECOMMENDATION: Approval of the requested rezoning and conditional use permit petitions.

SUMMARY: Gantt Investment Corporation is petitioning to rezone approximately 4.5 acres from R-1, Low Density Single-Family Residential District to R-3, Medium Density, Two-Family Residential District (Conditional) and for a conditional use permit to allow the construction of a twenty-two (22) unit town house complex on property fronting Ivy Creek Lane also known as Valuation Map # 218-11-003. The Planning Commission recommended approval of the rezoning and CUP because:

- Existing land uses in the area include a multi-family residential town home and apartment complex to the east, Peaks View Park to the northeast, a single-family residence to the south and the Lynchburg Expressway to the west.
- The submitted site plan and voluntarily submitted proffers adequately address the protection of Peaks View Park.

PRIOR ACTION(S):

June 22, 2005:

Planning Division recommended approval of the rezoning.

Planning Commission recommended approval (4-0, with 3 members absent, Barnes, Worthington & Pulliam) with the following voluntarily submitted proffers:

1. Substantial compliance with the final site plan of development.
2. All town homes will be custom built and bricked or vinyl architectural design.
3. Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
4. All natural vegetation and trees will be undisturbed out of the construction area.
5. All front porches or stoops will be bricked or wood. If wooden railings are required they will be painted.
6. We will use architectural design shingles.
7. Private street lights will be place on the property using low glare bulbs.
8. Gantt Investment Corporation will donate the remainder of the property not needed for the town home development to the City of Lynchburg for inclusion in Peaks View Park. Gantt Investment Corporation reserves all rights for easements necessary to obtain utilities to the property.

Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval (4-0, with 3 members absent, Barnes, Worthington & Pulliam) with the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning and CUP Ivy Creek Townhomes Ivy Creek Townhomes prepared by Berkley-Howell & Associates, P.C. and dated June 7, 2005.
2. Exterior building materials shall be brick and vinyl or solely brick.
3. A vegetative buffer will be extended along the southern end of the property and foundation plantings will be planted at the rear of the two (2) buildings facing Ivy Creek lane, with species size and type subject to the approval of the City Planner and Urban Forester.

4. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
5. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- Resolution
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Narrative
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 (C), MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT CONDITIONAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from R-1, Low Density Single-Family Residential District to R-3(C), Medium Density Two Family Residential District (Conditional).

The area embraced within the following boundaries . . .

Tax Map No. 218-11-003

All that certain tract or parcel of land situate in the City of Lynchburg (formerly in Bedford County, Va.), at the northeasterly intersection of Wiggington Road and Ivy Creek Lane and further described as follows:

Commencing at a point on the northerly right-of-way line of Wiggington Road where it intersects the centerline of Ivy Creek, which point is a common corner with the property of David S. & Karen K. Bush;

Thence, along said line of Wiggington Road in a westerly direction for approximately 275 feet until it intersects with the easterly right-of-way line of Ivy Creek Lane;

Thence, along said line of Ivy Creek Lane in a northerly direction for approximately 710 feet to a point, the point of beginning, which point of beginning is located at the intersection of said line of Ivy Creek Lane with a 100' west of an parallel to the western edge of Ivy Creek, and which point of beginning is located on that line delineating the change in zoning between the R-C and R-1 zones shown on the Official Zoning Map of the City of Lynchburg, Virginia;

Thence, from said point of beginning, in a northerly direction along said line of Ivy Creek Lane for approximately 1040 feet to a point, which point is a common corner with the property of the City of Lynchburg known as Peaks View Park;

Thence, leaving said Ivy Creek Lane and along the line of said Peaks View Park, S 36° 00' 34" E for a distance of 263.59 feet, more or less, to a point;

Thence, further with the line of said Peaks View Park, S 09° 04' 13" S E for a distance of 385 feet, more or less, to a point, which point is located at the intersection of said line of Peaks View Park with a line of 100' west of and parallel to the western edge of Ivy Creek, and which point is located on that line delineating the change in zoning between the R-C and R-1 zones shown on the Official Zoning Map of the City of Lynchburg, Virginia;

Thence, along said zoning line between a line 100' west of and parallel to the western edge of Ivy Creek in a southerly direction for a distance of approximately 450 feet to the point of beginning.

Said property contains, by estimation and not by recent field survey, four and one-half (4-1/2) acres, more or less. Being a portion of the same property conveyed to Robert S. & Brenda R. Bonheim, by deed recorded in the Bedford County Circuit Court Clerk's Office in Deed Book 399, page 635, LESS AND EXCEPT all off-conveyances and easements of record in said Clerk's Office or in the Clerk's office of the City of Lynchburg, Virginia.

. . . is hereby changed from R-1, Low Density Single-Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the owner, namely: Robert S. and Brenda R. Bonheim, to wit:

1. Substantial compliance with final site plan of development (June 7, 2005).
2. All town homes will be custom built and bricked or vinyl architectural design.
3. Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
4. All natural vegetation will be undistributed out of construction area.
5. All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required, they will be painted.
6. We will use architectural design shingles.
7. Private street lights will be placed on the property using low glare bulbs.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

093L

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO GANTT INVESTMENT CORPORATION FOR USE OF THE PROPERTY ON IVY CREEK LANE TO CONSTRUCT A TOWNHOME COMMUNITY, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Gantt Investment Corporation for a Conditional Use Permit for use of the property at Ivy Creek Lane, adjacent to Wiggington Road and the Lynchburg Expressway on a four and one half (4.5) acre portion of the property, Valuation Tax Map Number 218-11-003 for construction of a twenty-two (22) unit townhome community be, and the same is hereby approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning and CUP Ivy Creek Townhomes Ivy Creek Townhomes prepared by Berkley-Howell & Associates, P.C. and dated June 7, 2005.
2. Exterior building materials shall be brick and vinyl or solely brick.
3. A vegetative buffer will be extended along the southern end of the property and foundation plantings will be planted at the rear of the two (2) buildings facing Ivy Creek Lane, with species size and type subject to the approval of the City Planner and Urban Forester.
4. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
5. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quantity of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

Adopted:

Certified:

Clerk of Council

093L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: June 22, 2005
Re: **REZONING: R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003.**
CONDITIONAL USE PERMIT (CUP): Ivy Creek Townhomes, Ivy Creek Lane.

I. PETITIONER

Gant Properties, Inc., P.O. Box 622 Forest, VA 24551

Representative: Joe Gantt, Gant Properties, Inc., P.O. Box 622, Forest, VA 24551

II. LOCATION

The subject property is a tract of eight (8) acres located on Ivy Creek Lane, adjacent to Wiggington Road and the Lynchburg Expressway. A total of four and one half (4.5) acres of the property is proposed to be rezoned from R-1 to R-3C.

Property Owners: Robert & Brenda Bonheim, 502 Chinhoek Drive, Lynchburg, VA 24501.

III. PURPOSE

The purpose of this petition is to allow construction of four (4) townhouse buildings totaling twenty-two (22) units.

IV. SUMMARY

- The Future Land Use Map recommends a combination of Low-Density Residential and Resource Conservation land uses for this site. Existing land uses within the area include a multi-family residential townhome and apartment complex to the east, Peaks View Park to the northeast, a single family residence to the south and the Lynchburg Expressway to the west.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition(s) proposes to rezone the subject property and obtain a CUP to construct a four (4) building, twenty-two (22) unit townhome complex and associated parking.

The Planning Division recommends approval of the rezoning and the conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Future Land Use Map [FLUM]* recommends Low Density Residential development uses within this area. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre.

The FLUM is not intended to be parcel specific and also indicates Medium Density Residential Uses in the immediate area. Existing land-uses adjacent to the property currently include a mix of single-family residential homes, multi-family residential (both apartments and townhomes), and parkland. The site plan, as proposed, provides for a density of two and three-quarter (2.75) units per acre; this is significantly less than the typical Medium Density Land Use which is characterized by small-lot single family detached housing, duplexes and townhouses at densities up to 12 units per acre.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Single-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) Substantial compliance with final site plan of development (June 7, 2005).

- 2) All town homes will be custom built and bricked or vinyl architectural design.
 - 3) Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
 - 4) All natural vegetation will be undisturbed out of construction area.
 - 5) All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required, they will be painted.
 - 6) We will use architectural design shingles.
 - 7) Private street lights will be placed on the property using low glare bulbs.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
- 5/10/2005: City Council approved Joe Gantt's CUP petition, petition to rezone and petition to amend the *Future Land Use Map* for the construction of a sixteen (16) unit town home complex at 821, 823 Mercury Street and 824 Wiggington Road.
 - 9/14/2004: City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
 - 12/14/2004: City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
 - 12/16/2003: City Council approved Joe Gantt's petition to rezone the property at 813 Mercury Street from R-2 to B-3C to allow for the construction with the appropriate setbacks of an office complex with parking.
 - 6/13/2000: City Council denied Thomas Ackerman's CUP petition to allow for the use of the property at the 400 Block of Wiggington Road as a private park for a club in an R-2, Single-Family Residential District.
 - 3/9/1999: City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - 8/13/1996: City Council approved Victory Christian Church's CUP petition to allow construction of a new sanctuary, associated buildings and parking on a tract of two and nine tenths (2.9) acres at the 400 Block of Wiggington Road in an R-2, Single-Family Residential District.
 - 2/11/1997: City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home.
 - 8/14/1990: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.
 - 1/27/1981: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.
6. **Site Description.** The subject property is primarily wooded; Ivy Creek forms the western border of the property. The property is bounded to the north by Peaks View Park, to the south by a single family residence, to the east by Woodbine Village apartments and townhomes, and to the west by Lynchburg Expressway.
7. **Proposed Use of Property.** The purpose of the rezoning and conditional use permit is to allow the construction of a four (4) building, twenty-two (22) unit townhome community. The townhomes will be constructed as two (2) level vinyl or brick structures with dimensional shingles, hip roofs, dormers, hardwood floors and custom kitchens. The petitioner proposes to provide paved parking, including curb and gutter, complementary landscaping and trash service so that no dumpsters or trash cans will be visible from the street.

8. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's Zoning Ordinance; fifty-five (55) spaces are required to meet City Code for this project. The site plan indicates that fifty-five (55) parking spaces, including three (3) handicap spaces will be provided for the townhomes.

9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The petitioner proposes to manage the increase in post-development run-off conditions through the use of existing/proposed channels to Ivy Creek; no above-ground stormwater detention is proposed. The petitioner proposes to manage water quality through the proposed additional landscaping and "soft-lined" vegetative channels, where feasible.

City Code requires stormwater management and detention for projects greater than or equal to ten thousand (10,000) square feet. However, the code also provides that approval of non-structural practices (Low Impact Development and alternative Best Management Practices) can be granted at the discretion of the plan approving authority as an alternative to individual structural practices. Staff recommends that the "soft-lined" vegetative channels and landscaping be accepted as an alternative to traditional stormwater management, provided that they are used in conjunction with bioretention areas that limit channelized flow and promote infiltration. A condition that alternative Low Impact Development and Best Management Practices, subject to the review of the Environmental Planner is recommended, in case the bioretention option does not prove feasible at the time of final layout and design. Staff also recommends that if, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

10. **Emergency Services.** The City's Fire Marshal had no comments on the proposed rezoning and conditional use permit application.

The Police Department had no comments on the proposed rezoning and conditional use permit application.

11. **Impact.** The development of the twenty-two (22) unit townhome community and associated parking will have limited impacts on the surrounding neighborhood. The integrity of the adjacent Resource Conservation area will be protected by the minimal footprint proposed for this development. Out of a total of four and one half (4.5) acres available on the subject property, the maximum developed area will be two and a half (2.5) acres with all existing woods and vegetation outside of the development footprint to remain undisturbed.

The design and layout of the buildings are generally acceptable to the Planning Division staff; however, staff does recommend that a condition be placed on the buildings requiring that the exterior be vinyl and brick or solely brick. Staff also recommends that trees be extended around the southern end of the property and foundation plantings be placed at the rear of the two buildings which face Ivy Creek lane to enhance the look of the buildings, screen the parking lot from Ivy Creek Lane and provide a water quality enhancement for the townhomes.

Parking and traffic requirements have been sufficiently met for the project. The petitioner has proffered that private street lights will be placed on the property. Planning Division staff recommends that the lights be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

The petitioner proposes to manage the increase in post-development run-off conditions through the use of existing/proposed channels to Ivy Creek and water quality through the proposed additional landscaping and "soft-lined" vegetative channels, where feasible. Staff recommends that the "soft-lined" vegetative channels and landscaping be accepted as an alternative to traditional stormwater management, provided that they are used in conjunction with bioretention areas that limit channelized flow and promote infiltration. A condition that alternative Low Impact Development and Best Management Practices, subject to the review of the Environmental Planner is recommended, in case the bioretention option does not prove feasible at the time of final layout and design. Staff also recommends that if, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that

a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 31st, 2005. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION(S):

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Gantt Investment Corporation's petition for a rezoning of R-1, Low Density Single-Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003

Based on the preceding Findings of Fact, the Planning commission recommends to City Council approval of Gantt Investment Corporation's petition for a Conditional Use Permit (CUP) for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003 to allow for the construction of a twenty-two (22) unit townhome community, subject to the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning and CUP Ivy Creek Townhomes Ivy Creek Townhomes prepared by Berkley-Howell & Associates, P.C. and dated June 7, 2005.
2. Exterior building materials shall be brick and vinyl or solely brick.
3. A vegetative buffer will be extended along the southern end of the property and foundation plantings will be planted at the rear of the two (2) buildings facing Ivy Creek lane, with species size and type subject to the approval of the City Planner and Urban Forester.
4. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
5. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. G. Wayne Cyrus, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official

Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. Joe Gantt, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Project Narrative**

MINUTES FROM THE JUNE 22, 2005 PLANNING COMMISSION MEETING

These minutes have been reviewed by, but not approved by the Planning Commission.

Petition of Gantt Investment Corporation to rezone approximately 4.5 acres from R-1, Low Density Single-Family Residential District to R-3, Medium Density Two-Family Residential District and for a Conditional Use Permit for property fronting Ivy Creek Lane also know as Valuation Map Number 218-11-003 to allow the construction of a 22 unit town home complex.

Mr. Martin told the Commissioners that the petitioner had submitted additional proffers for the development that the Planning Commission may wish to review. He added that if the Planning Commission did choose to accept the additional proffer, they will need to waive the twenty-one day submittal requirement for proffers.

Mr. Joe Gantt, Gantt Investment Corporation, addressed the Commission. Mr. Gantt explained the project saying that it would be a 22-unit townhome community off Ivy Lane, which would sell for between \$140,000 to \$160,000. He added that most of the trees on the site would remain, with the only trees being cut were those necessary to build the units and the roads. He said the area would be somewhat protected by a sixteen (16) foot barrier, which would almost hide it from the road. Mr. Gantt said approximately forty foot of property around the site would be donated to the City to include with the adjoining Peaks View Park.

Mr. Bob Bonheim, owner of the property, spoke in favor of the petition. Mr. Bonheim said he and his family had lived at this site for many years, and were very happy that the land was being donated to the City for Peaks View Park.

Mr. David Bush told the Commission that he and his wife and their young children were the new owners of the single-family home south of the proposed project site. He said when they purchased the property they were unaware of the proposed project and were concerned about the proximity of the townhome development to their own property, as well as the buffer zone coming up to the creek bed. He said he did not realize until this meeting that the property would be donated to the City of Lynchburg, which would provide a nice buffer. So, at this point, Mr. Bush continued, he did not have any opposition to the petition as long as the property was conveyed over to the City.

Commissioner Hamilton asked Mr. Gantt to expand on the vegetative buffer.

Mr. Gantt said the vegetative barrier would be to shield the residents from the street noise.

Commissioner Bacon asked Mr. Gantt why he was not using the City refuse pick-up.

Mr. Gantt explained that the trash would probably be collected from the back yard, which the City did not participate in. He added that they did not want garbage cans in front of every unit.

Commissioner Flint asked if there would be site grading to level the property.

Mr. Gantt said they would build the units using the existing topography of the land, so there would not be much grading. He said there would be no basements, but a built up crawl space.

Chair Dahlgren commented that he appreciated Mr. Gantt donating the excess property to Peaks View Park. He said when he was leaving the proposed site, he had difficulty entering Wiggington Road to the right due to the limited sight distance. He said it was a nice street, but had never been upgraded with lines, and thought the City would have at least painted a line down the center of the road.

Mr. Gantt said Wiggington was not a City street, but a state owned road, and was not sure why the City had not taken it over.

Mr. Martin said the Department of Public Works had stated to him through e-mails that they did have the right-of-way and did maintain that road. He added that the City Traffic Engineer did not have any comments of concern with this petition.

Mr. Gantt said there was more traffic associated with Peaks View Park than there probably ever would be associated with the proposed development.

Chair Dahlgren asked how they could get the point across to the City that if it was truly City property, then they need to do something about the street.

Mr. Martin said he could relay their concerns to the City Traffic Engineer either verbally, or he could prepare a Memorandum from the Planning Commission for the Commission to sign.

The Commissioners agreed that a Memorandum would be a good step to benefit the development and Peaks View Park.

After discussion, Commissioner Flint made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

“That the Planning Commission waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Gantt Investment Corporation to rezone approximately 4.5 acres from R-1, Low Density Single-Family Residential District to R-3, Medium Density Two-Family Residential District and for a Conditional Use Permit for property fronting Ivy Creek Lane.

AYES:	Bacon, Dahlgren, Flint, Hamilton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Pulliam, Worthington	3

After discussion, Commissioner Flint made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

“That the Planning Commission recommends to City Council approval of Gantt Investment Corporation’s petition for a rezoning of R-1, Low Density Single-Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003.”

AYES:	Bacon, Dahlgren, Flint, Hamilton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Pulliam, Worthington	3

After discussion, Commissioner Flint made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

“That the Planning commission recommends to City Council approval of Gantt Investment Corporation’s petition for a Conditional Use Permit (CUP) for a four and one half (4.5) acre portion of the property on Ivy Creek Lane also known as Valuation Number 218-11-003 to allow for the construction of a twenty-two (22) unit townhome community, subject to the following conditions:

1. The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning and CUP Ivy Creek Townhomes Ivy Creek Townhomes prepared by Berkley-Howell & Associates, P.C. and dated June 7, 2005.
2. Exterior building materials shall be brick and vinyl or solely brick.

3. A vegetative buffer will be extended along the southern end of the property and foundation plantings will be planted at the rear of the two (2) buildings facing Ivy Creek lane, with species size and type subject to the approval of the City Planner and Urban Forester.
4. All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.
5. Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Ivy Creek Lane."

AYES:	Bacon, Dahlgren, Flint, Hamilton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Pulliam, Worthington	3

IVY CREEK TOWNHOMES

Ivy Creek Lane
Val. Map #Portion of 218-11-003
Rezoning Request from R-1 to R-3
Petitioner: Gantt Investment Corporation

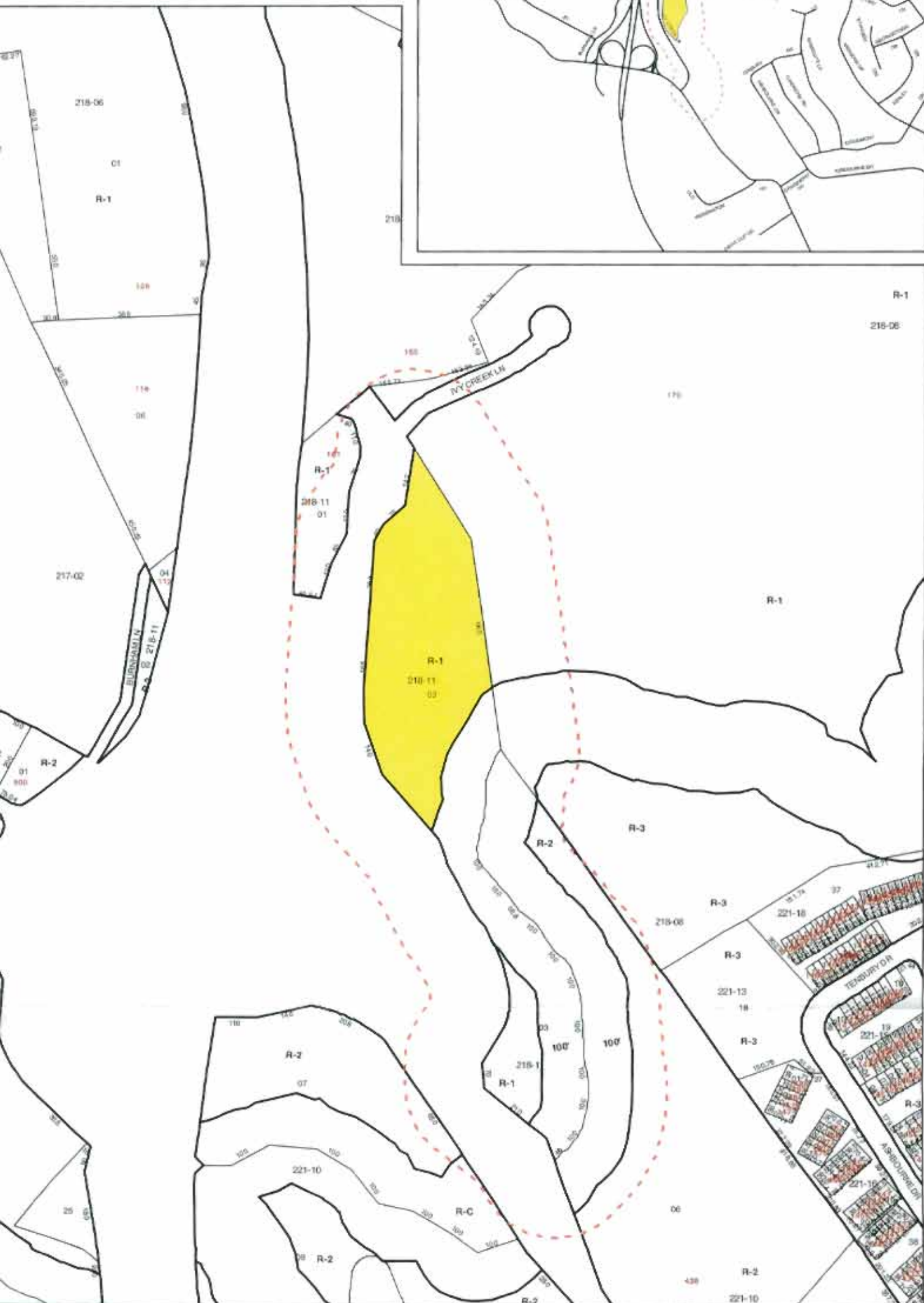
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



200 ft Radius



IVY CREEK TOWNHOMES

Ivy Creek Lane

PIN

OWNER

21811003

BONHEIM ROBERT S & BRENDA R

21807001

BURNHAM CHARLES A JR & JOAN F

22110006

BUSH DAVID S & KAREN K

21808001

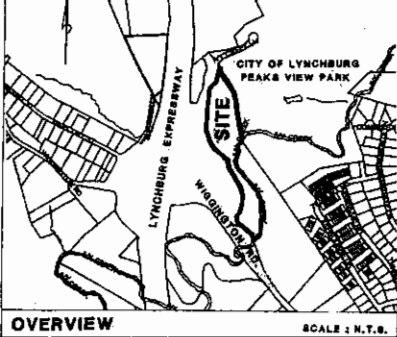
CITY OF LYNCHBURG C/O STEVE LAWSON

22110007

IVY CREEK FARMS INC

21811001

MOODY MICHAEL P & MARY JO

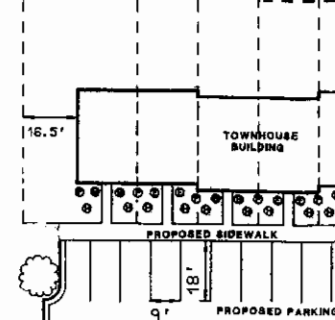


- LANDSCAPING LEGEND**
- CRITCHEM PITCH BARNDOOR 3 GAL.
 - MIDDLEPOINT JUNIPER 3 GAL.
 - OTTO LUTKEN LAUREL 3 GAL.
 - BLUE PRINCE HOLLY 5 GAL.

- VILLOW OAK 1 1/2" DIA. MIN. CALIPER
- RED MAPLE 1 1/2" DIA. MIN. CALIPER
- TYPE TO BE DETERMINED BY CITY
- MIXTURE OF BURNING BUSH, JUNIPER & CHAIR
- BURFORD HOLLY IN MULCH BED

LANDSCAPING TO MEET CITY OF LYNCHBURG REQUIREMENTS AND PLANTING REQUIREMENTS OF SUPPLIERS.

THE LANDSCAPING AT TIME OF PLANTING MUST EXCEED THE MINIMUM PLANT HEIGHT OR SIZE LISTED BY THE CITY OF LYNCHBURG ZONING ORDINANCE.

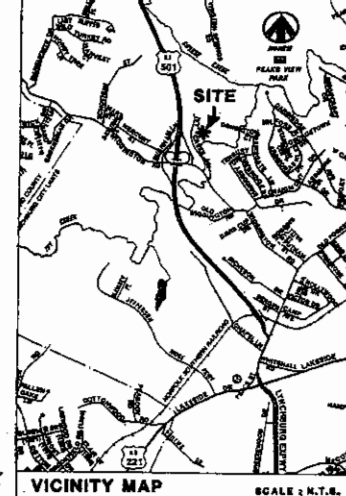


TYPICAL UNIT FOUNDATION PLANTING DETAIL

SCALE: 1" = 20'

SEE LANDSCAPE LEGEND FOR DETAIL

- GENERAL NOTES:**
- ALL PROPOSED BUILDINGS WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
 - ELECTRIC, TELEPHONE AND CABLE SERVICES WILL BE UNDERGROUND ON THE SITE.
 - ALL EXTERIOR LIGHTING SHALL BE DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
 - A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
 - HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
 - EXISTING VEGETATION NOTED AS "TO REMAIN" SHALL BE PRESERVED AND PROTECTED FOR USE TOWARD THE REQUIRED VEGETATIVE BUFFER. UTILIZE TREE PROTECTION MANAGEMENT PRACTICES AS PER THE S & S HANDBOOK.
 - THE PROPOSED TOWNHOUSES WILL BE CONSTRUCTED WITH AN EXTERIOR COMBINATION OF BRICK, VINYL AND WOOD.
 - TOWNHOUSE UNITS TO BE 2 STORY WITH A MAXIMUM HEIGHT OF 28' TO TOP OF RIDGE.
 - NO DUMPSTERS ARE PROPOSED. INDIVIDUAL TRASH PICKUP WILL BE HANDLED BY A PRIVATE TRASH COLLECTION SERVICE.
 - AS PER THE SCENIC CORRIDOR OVERLAY REQUIREMENTS, ALL LOADING AREAS, OUTSIDE STORAGE AREAS, WAREHOUSE STORAGE AREAS AND UTILITY (E.G. ELECTRICAL, MECHANICAL, HEATING, AIR CONDITIONING, VENTILATION EQUIPMENT) AREAS MUST BE VISUALLY SCREENED FROM VIEW OF ALL PUBLIC STREETS AND RESIDENTIAL DISTRICTS. SCREENING SHALL CONSIST OF EITHER SOLID BOARD FENCE, MAJORITY WALL, DENSE EVERGREEN PLANT MATERIAL OR, AT THE REQUEST OF THE DEVELOPER, SUCH OTHER MATERIALS AS MAY BE APPROVED.
 - TOWNHOUSE UNITS WILL BE FOR SALE.
 - THE ADDRESS FOR THE PROPOSED PROJECT WILL BE 180 IVY CREEK.
 - PRIOR TO THE DEMOLITION OF ANY BUILDING, UTILITY DISCONNECT FOR ALL SERVICES MUST BE FURNISHED TO THE CITY OF LYNCHBURG INSPECTION DIVISION. BEFORE ISSUING A DEMOLITION PERMIT, AN ASSESSMENT SURVEY IN ACCORDANCE WITH SECTION 9-2-1 OF THE CODE OF VA IS REQUIRED.



BERKLEY HOWELL & ASSOC., P.C.
ENGINEERS • SURVEYORS • PLANNERS
308 ENTERPRISE DRIVE, SUITE C
FOREST • UPTONIA 24251
PH: (434) 385-7548 FAX: (434) 385-6176



PRELIMINARY
SITE PLAN FOR REZONING AND CUP
1107 CREEK TOWNHOUSES
1107 CREEK LANE
CITY OF LYNCHBURG

NO.	DATE
1	6-16-02

DATE: 6-7-02

TECHNICIAN:

CHECKED BY:

REVISIONS

NO. DATE

1 6-16-02

SCALES AS SHOWN

PROJ. NO. DIV.

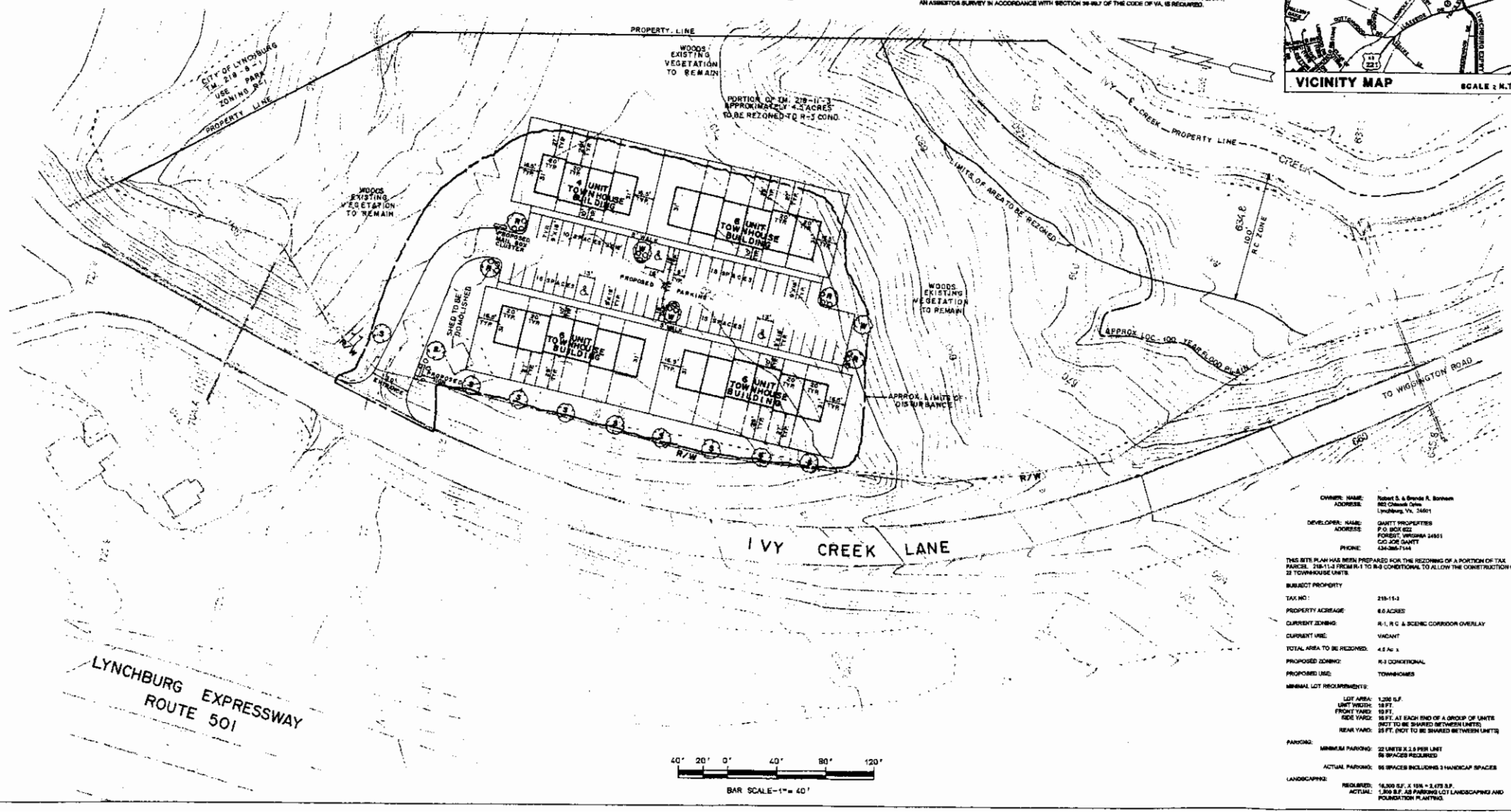
050135

SHEET NO.

1 OF 1

DRAWING NO.

PRELIM



OWNER: NAME: Robert A. & Brenda R. Baxman
ADDRESS: 882 Chestnut Drive
Lynchburg, VA 24011

DEVELOPER: NAME: GUNTT PROPERTIES
ADDRESS: P.O. BOX 622
FOREST HILLSMAN 24551
CO. JOE GUNTT
434-385-7144

PHONE:

THIS SITE PLAN HAS BEEN PREPARED FOR THE REZONING OF A PORTION OF TAX PARCELS 218-11-3 (CREAK) TO R-3 CONDITIONAL TO ALLOW THE CONSTRUCTION OF 22 TOWNHOUSE UNITS.

SUBJECT PROPERTY

TAX NO.: 218-11-3

PROPERTY ACREAGE: 6.6 ACRES

CURRENT ZONING: R-1, R-3 & SCENIC CORRIDOR OVERLAY

CURRENT USE: VACANT

TOTAL AREA TO BE REZONED: 4.5 AC.

PROPOSED ZONING: R-3 CONDITIONAL

PROPOSED USE: TOWNHOUSES

MINIMUM LOT REQUIREMENTS:

LOT AREA: 1,320 S.F.

LOT WIDTH: 18 FT.

FRONT YARD: 10 FT.

SIDE YARD: 10 FT. AT EACH END OF A GROUP OF UNITS

REAR YARD: 10 FT. TO BE SHARED BETWEEN UNITS

PARKING:

MINIMUM PARKING: 22 UNITS X 1.5 PER UNIT

ACTUAL PARKING: 96 SPACES INCLUDING 3 HANDICAP SPACES

LANDSCAPING:

REQUIRED: 16,300 S.F. X 1 IN. + 2,075 S.F.

ACTUAL: 1,800 S.F. AS PARKING LOT LANDSCAPING AND FOUNDATION PLANTING

SURVEY DATUM USED: FIELDBOOK IDENTIFICATION

VIEW TO CREATE THIS DRAWING:

MANUSCRIPT DRAWING NUMBER:

Ivy Creek Townhomes, L.L.C.

Luxury Townhome Living at its Finest
(A Community of 22 Custom-Built Townhomes)

Developed by: Gantt Investment Corporation
434.385.7144

For More Information on our proposed community , please contact
Joe Gantt at 434.841.8814

Gantt Investment Corporation
808 Wiggington Road, Suite A
Lynchburg, VA 24502

June 7, 2005

To: City of Lynchburg Planning Commissioners

From: Joseph Gantt, Gantt Investment Corporation

Re: Proposal for Ivy Creek Townhomes

Location: Ivy Creek Lane off Wiggington Road, 8.2 Acre Parcel

Gantt Investment Corp has contracted the above described land on Ivy Creek Lane. It also has proposed to the City of Lynchburg a plan to develop a town home community limited to only 22 town homes.

The current zoning is R1 and we have proposed a rezoning application for R3 and a conditional use permit for the development.

We believe Ivy Creek Townhomes will prove to further enhance the scenic corridor. Each of these buildings boasts an architectural design with complementary landscaping and curb and gutter. These town homes will be two level and completed with dimensional shingles, hip roofs, dormers, hardwood floors, and custom kitchens. Services such as trash will be provided so that no dumpsters or trash cans will be visible from the streets.

The town homes are expected to be priced between \$150,000 to \$160,000. Completed, this should be a very desirable community which is convenient and centrally located to all that Lynchburg has to offer.



IVY CREEK TOWNHOMES
Ivy Creek Lane

June 22, 2005

PLEASE PRINT

[illegible]

IVY CREEK TOWNHOMES
Ivy Creek Lane

June 22, 2005

PLEASE PRINT

[illegible]



MEMORANDUM

The City of Lynchburg, Planning Commission

455-3900

To: Gerry Harter, P.E. City Traffic Engineer
From: Wayne Dahlgren, Chairman, Planning Commission
Subj: Ivy Creek Lane
Date: June 23, 2005

The Planning Commission reviewed rezoning and conditional use permit petitions for property located on Ivy Creek Lane at its June 22, 2005 meeting. The petitions would allow the construction of a twenty-two (22) unit town home development on the property.

It is our understanding that you had no comments of concern regarding these petitions and the Planning Commission recommended favorably to the City Council on them. However, the Planning Commission is concerned with traffic conditions on Ivy Creek Lane. In particular, the Planning Commission is concerned with the lack of lane markings and the possibility for traffic accidents at the intersection of Ivy Creek Lane and Wiggington Road.

The Planning Commission requests that you study Ivy Creek Lane in greater detail to determine what improvements can be made to facilitate traffic safety in the area. We would appreciate your appearing before the Planning Commission at our July 27, 2005 meeting to discuss your findings.

cc: Planning Commission
Tom Martin, City Planner
Lee Newland, City Engineer